

Representative Rebecca Chavez-Houck proposes the following substitute bill:

MEDICAL ASSISTANCE ASSET TEST

AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca Chavez-Houck

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Medical Assistance Act to, subject to approval by the Centers for Medicare and Medicaid Services, prohibit use of an asset test in determining Medicaid eligibility for a child in foster care who is at least 14 years of age, but younger than 18 years of age.

Highlighted Provisions:

This bill:

- requires the Department of Health to amend the state Medicaid plan to, subject to approval by the Centers for Medicare and Medicaid Services, remove the use of an asset test in determining Medicaid eligibility for a child in foster care who is at least 14 years of age, but younger than 18 years of age; and
- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



AMENDS:

26-18-3.1, as enacted by Laws of Utah 1994, Chapter 314

ENACTS:

26-18-3.3, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-18-3.1** is amended to read:

26-18-3.1. Medicaid expansion.

(1) The purpose of this section is to expand the coverage of the Medicaid program to persons who are in categories traditionally not served by that program.

(2) Within appropriations from the Legislature, the department may amend the state plan for medical assistance to provide for eligibility for Medicaid:

(a) on or after July 1, 1994, for children 12 to 17 years old who live in households below the federal poverty income guideline; and

(b) on or after July 1, 1995, for persons who have incomes below the federal poverty income guideline and who are aged, blind, or disabled.

(3) (a) Within appropriations from the Legislature, on or after July 1, 1996, the Medicaid program may provide for eligibility for persons who have incomes below the federal poverty income guideline.

(b) In order to meet the provisions of this subsection, the department may seek approval for a demonstration project under 42 U.S.C. Section 1315 from the secretary of the United States Department of Health and Human Services. This demonstration project may also provide for the voluntary participation of private firms that:

(i) are newly established or marginally profitable;

(ii) do not provide health insurance to their employees;

(iii) employ predominantly low wage workers; and

(iv) are unable to obtain adequate and affordable health care insurance in the private market.

(4) Services available for persons described in this section shall include required Medicaid services and may include one or more optional Medicaid services if those services are funded by the Legislature. ~~[The]~~ Except as provided in Section 26-18-3.3, the department

57 may also require persons described in this section to meet an asset test.

58 Section 2. Section **26-18-3.3** is enacted to read:

59 **26-18-3.3. Asset test for certain children in foster care prohibited.**

60 (1) Before July 1, 2010, the department shall submit a State Medicaid Plan amendment
61 to the Centers for Medicare and Medicaid Services, to be effective on July 1, 2010, to, subject
62 to approval by the Centers for Medicare and Medicaid Services, remove the use of an asset test
63 in determining Medicaid eligibility for a child in foster care who is at least 14 years of age, but
64 less than 18 years of age.

65 (2) Subject to approval by the Centers for Medicare and Medicaid Services, the
66 department may not apply an asset test in determining Medicaid eligibility for a child described
67 in Subsection (1).